

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

VIRGIL GREEN,

Plaintiff,

Case No. 2:19-cv-81

v.

HONORABLE PAUL L. MALONEY

M. SMITH, et al.,

Defendants.

\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This is a prisoner civil rights action filed pursuant to 42 U.S.C. § 1983. Defendant Smith filed a motion for summary judgment. The matter was referred to the Magistrate Judge, who issued a Report and Recommendation on July 24, 2020, recommending that this Court find (1) there is a genuine issue of fact that Plaintiff properly exhausted his remaining claim, and (2) deny the motion. The Report and Recommendation was duly served on the parties. No objections have been filed. *See* 28 U.S.C. § 636(b)(1). Therefore,

**IT IS HEREBY ORDERED** that the Report and Recommendation (ECF No. 24) is APPROVED and ADOPTED as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Motion for Summary Judgment (ECF No. 15) is DENIED.

Dated: August 28, 2020

/s/ Paul L. Maloney  
Paul L. Maloney  
United States District Judge